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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,774	03/11/2004	Yoshifumi Shiraishi	36418	6455
116	7590	10/03/2006	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			VO, ANH T N	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/798,774	SHIRAISHI ET AL.	
	Examiner Anh T.N. Vo	Art Unit 2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 July 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 13-16, 18, 19, 21-28 and 44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 13-16, 18, 19, 21-28 and 44 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 July 2006 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

NON-FINAL REJECTION

The objection to the drawings is withdrawn in view of the amendments to the drawings.

The rejections over Kawamura (US Pat. 5,577,014) and Sasaki et al. (US Pat. 6,512,653) are withdrawn in view of the amendments to the claims and the arguments presented in this amendment.

CLAIM REJECTIONS

Claim Rejections - 35 USC § 112

Claims 18-19 and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 18, it is unclear how the claw position detecting part can detect the claw and the determining part can suspend operation of the insertion, providing information of an incorrect insertion, an ejection operation of the cartridge since they are not connected to anything, and how the cartridge can be “rejected” on line 23 since no means for performing the rejecting function is recited in this claim. The same is true for claim 44.

Claim 19 is dependent on claim 18 therefore also considered indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-16 are rejected under 35 USC 102 (b) as being anticipated by Takai et al (US 5,537,377).

With regard to claim 13, Takai et al disclose in Figures 1- 6 a displayer device comprising:

a cartridge C being inserted into a holder (4);

a device for preventing an incorrect insertion of the cartridge C comprising:

- a claw (101) operable to protrude into the recessed part (C1) or the through hole of the cartridge (1) only when the cartridge (C) is inserted into the cartridge storage space (4) in a correct orientation (Figure 2); and

- a stopper (102b) operable to work with said claw (101) such that when said claw (101) protrudes into the recessed part (C1) or the through hole of the cartridge (C), said stopper (102b) is disposed to allow the cartridge (C) to be inserted and stored the cartridge storage space (4), and when said claw (101) does not protrude into the recessed part (C1) or the through hole of the cartridge (C), said stopper (102b) is disposed to prevent the cartridge from being inserted and stored in the cartridge storage space (Figures 3-4);

With regard to claim 14, wherein the cartridge (C) being inserted into the cartridge storage space (4) a correct orientation when the cartridge (C) is inserted from a predetermined direction into the cartridge storage space (4).

With regard to claim 15, wherein a joint part (102) to joint the claw (101) with the stopper (102b) being disposed to rock on a shaft as a fulcrum, see Figure 3.

With regard to claim 16, wherein a plurality of at least one of said claw (101L, 10R) and said stopper (102b), see Figure 5.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior arts are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 21-28 and 44 are rejected under 354 U.S.C. 103(a) as being unpatentable over Tomita (US 4,853,916) in view of Takai et al (US 5,537,377).

As the best construed, Tomita discloses in Figures 1-9 a device comprising:

- a plurality of cartridge parts (4) for mounting a cartridge (3);
- a detector (6) for providing information of incorrect insertion, see lines 60-68, column 2; and
 - a moving mechanism (46, Figure 6) operable to move a selected one of said plurality of cartridge storage parts from a first position, at which the cartridge (3) is inserted into the cartridge storage space (4), to a second position which is different than the first position.

With regard to claims 23-24, wherein an inherent control device is used for recording information from the cartridge (3).

However, Tomita does not disclose a device for preventing incorrect insertion of the cartridge comprising a claw and a stopper as recited in claim 21.

Nevertheless, Takai et al suggests in Figures 1-6 a device comprising a claw (101) and a stopper (102b) as stated above for preventing the cartridge from incorrectly being inserted into the cartridge holder in order to reduce the damage for the cartridge and the cartridge holder.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ the preventing device as suggested by Takai et al in the device of Tomita for the purpose of preventing the cartridge from incorrectly being inserted into the cartridge holder to reduce the damage for the cartridge and the cartridge holder.

Response to Applicant's Arguments

The applicant's arguments with respect to the prior art rejection have been carefully considered and have been traversed in view of the new grounds of rejection over Takai et al and Tomita references.

Allowable Subject Matter

Claims 18-19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action. These claims are allowed because the prior art of record fails to suggest "said determining part operable to activate at least one of: a suspension operation to suspend the insertion; an operation to provide information of an incorrect insertion; and an ejection operation to eject the cartridge from the cartridge storage space, when said determining part determines that the insertion of the cartridge is not in a correct orientation".

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (571) 272-2262. The examiner can normally be reached on Tuesday to Friday from 9:00 A.M.to 7:00 P.M.

The fax number of this Group 2800 is (571) 273-8300.



ANH T.N. VO
PRIMARY EXAMINER
September 28, 2006